

Introduced by Senator Jackson

February 21, 2013

An act to amend Section 13143.9 of, and to repeal and add Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of, the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 483, as introduced, Jackson. Hazardous materials: business and area plans.

(1) Existing law requires the Secretary for Environmental Protection to adopt regulations and implement a unified hazardous waste and hazardous materials management regulatory program. Existing law establishes the respective responsibilities of unified program agencies, designated to implement that unified program, locally, and requires the secretary to establish a statewide information management system for purposes of receiving data collected by unified program agencies.

Existing law establishes the responsibility of a local administering agency authorized to implement and enforce provisions that require (a) the administering agency to establish area plans for emergency response to a release or threatened release of a hazardous material and (b) a business that handles a hazardous material to establish and implement a business plan for such a response. Existing law authorizes a unified program agency to implement and enforce these provisions as an administering agency, as specified.

Existing law specifies the contents of the business plan required of the hazardous materials handler and requires the plan to be submitted to the administering agency. Existing law requires the administering agency to submit to the Office of Emergency Services, the area plan, a plan to conduct onsite inspection, and a plan to institute a date

management system. A violation of the business plan requirements is a misdemeanor.

This bill would revise and recast the area and business plan requirements and, among other things, would require instead that a unified program agency enforce these requirements. The bill would instead require the inspection program that is part of the unified program to include the onsite inspections of businesses and would delete the requirement to institute a data management system. The bill would require the unified program agency to provide to agencies that have certain shared responsibilities access to information collected in the statewide information management system and would require handlers to submit certain information to that system, as specified.

The bill would also delete obsolete provisions and make general conforming changes.

The bill would impose a state-mandated local program by creating new crimes with regard to the submission of business plans and by imposing new duties upon local agencies with regard to implementing those requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13143.9 of the Health and Safety Code
2 is amended to read:
3 13143.9. (a) The State Fire Marshal shall, in carrying out
4 Section 13143, prepare, adopt, and submit building standards and
5 other fire and life safety regulations for approval pursuant to
6 Chapter 4 (commencing with Section 18935) of Part 2.5 of Division
7 13 establishing minimum requirements for the storage, handling,
8 and use of hazardous materials, as defined, in Article 9 of the 1988
9 Uniform Fire Code, and any subsequent editions, published by the
10 Western Fire Chiefs Association and the International Conference
11 of Building Officials. The State Fire Marshal shall seek the advice
12 of the California Emergency Management Agency in establishing

these requirements. This section does not prohibit a city, county, or district from adopting an ordinance, resolution, or regulation imposing stricter or more stringent requirements than a standard adopted pursuant to this section.

(b) A business ~~which~~ *that* files the annual inventory form in compliance with Chapter 6.95 (commencing with Section 25500) of Division 20, including the addendum adopted pursuant to ~~Section 25503.9 paragraph (4) of subdivision (e) of Section 25504,~~ shall be deemed to have met the requirements of subdivision (c) of Section 80.103 of the Uniform Fire Code, as adopted by the State Fire Marshal pursuant to this section.

(c) A business ~~which~~ *that* is not required to file a hazardous materials inventory form pursuant to ~~Section 25509 25506~~ but ~~which~~ *that* is required by the local fire chief to comply with subdivision (c) of Section 80.103 of the Uniform Fire Code, as adopted by the State Fire Marshal pursuant to this section, shall, notwithstanding Chapter 6.95 (commencing with Section 25500) of Division 20, file the inventory form adopted pursuant to ~~Section 25503.3 25506~~ and the addendum adopted pursuant to ~~Section 25503.9 paragraph (4) of subdivision (e) of Section 25504~~ with the local fire chief for purposes of complying with this requirement, if determined to be necessary by the fire chief.

SEC. 2. Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code is repealed.

SEC. 3. Article 1 (commencing with Section 25500) is added to Chapter 6.95 of Division 20 of the Health and Safety Code, to read:

Article 1. Business and Area Plans

25500. (a) The Legislature declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. The establishment of a statewide environmental reporting system for these plans is a statewide requirement. Basic information on the location, type, quantity, and health risks of hazardous materials handled, used, stored, or disposed of in the state, which could be accidentally released into the environment, is required to be submitted to firefighters, health officials, planners, public safety

1 officers, health care providers, regulatory agencies, and other
2 interested persons. The information provided by business and area
3 plans is necessary in order to prevent or mitigate the damage to
4 the health and safety of persons and the environment from the
5 release or threatened release of hazardous materials into the
6 workplace and environment.

7 (b) The Legislature further finds and declares that this article
8 and Article 2 (commencing with Section 25531) do not occupy
9 the whole area of regulating the inventorying of hazardous
10 materials and the preparation of hazardous materials response plans
11 by businesses, and the Legislature does not intend to preempt any
12 local actions, ordinances, or regulations that impose additional or
13 more stringent requirements on businesses that handle hazardous
14 materials. Thus, in enacting this article and Article 2 (commencing
15 with Section 25531), it is not the intent of the Legislature to
16 preempt or otherwise nullify any other statute or local ordinance
17 containing the same or greater standards and protections.

18 25501. Unless the context indicates otherwise, the following
19 definitions govern the construction of this article:

20 (a) “Agricultural handler” means a business operating a farm
21 that is subject to the exemption specified in Section 25507.1.

22 (b) “Area plan” means a plan established pursuant to Section
23 25503 by a unified program agency for emergency response to a
24 release or threatened release of a hazardous material within a city
25 or county.

26 (c) “Business” means all of the following:

27 (1) An employer, self-employed individual, trust, firm, joint
28 stock company, corporation, partnership, or association.

29 (2) A business organized for profit and a nonprofit business.

30 (3) The federal government, to the extent authorized by law.

31 (4) An agency, department, office, board, commission, or bureau
32 of state government, including, but not limited to, the campuses
33 of the California Community Colleges, the California State
34 University, and the University of California.

35 (5) An agency, department, office, board, commission, or bureau
36 of a city, county, or district.

37 (d) “Business plan” means a separate plan for each facility, site,
38 or branch of a business that meets the requirements of Section
39 25505.

1 (e) “Certification statement” means a statement signed by the
2 business owner, operator, or officially designated representative
3 that attests to all of the following:

4 (1) The information contained in the annual inventory form
5 most recently submitted to the unified program agency is complete,
6 accurate, and up to date.

7 (2) There has been no change in the quantity of any hazardous
8 material as reported in the most recently submitted annual
9 inventory form.

10 (3) No hazardous materials subject to the inventory requirements
11 of this article are being handled that are not listed on the most
12 recently submitted annual inventory form.

13 (4) The most recently submitted annual inventory form contains
14 the information required by Section 11022 of Title 42 of the United
15 States Code.

16 (f) (1) “Certified Unified Program Agency” or “CUPA” means
17 the agency certified by the secretary to implement the unified
18 program specified in Chapter 6.11 (commencing with Section
19 25404) within a jurisdiction.

20 (2) “Participating Agency” or “PA” means an agency that has
21 a written agreement with the CUPA pursuant to subdivision (d)
22 of Section 25404.3, and is approved by the secretary, to implement
23 or enforce one or more of the unified program elements specified
24 in paragraphs (4) and (5) of subdivision (c) of Section 25404, in
25 accordance with Sections 25404.1 and 25404.2.

26 (3) (A) “Unified program agency” or “UPA” means the CUPA,
27 or its participating agencies to the extent each PA has been
28 designated by the CUPA, pursuant to a written agreement, to
29 implement or enforce a particular unified program element
30 specified in paragraphs (4) and (5) of subdivision (c) of Section
31 25404. For purposes of this article and Article 2 (commencing
32 with Section 25531), the UPAs have the responsibility and
33 authority, to the extent provided by this article and Article 2
34 (commencing with Section 25531) and Sections 25404.1 and
35 25404.2, to implement and enforce only those requirements of this
36 article and Article 2 (commencing with Section 25531) listed in
37 paragraphs (4) and (5) of subdivision (c) of Section 25404.

38 (B) The UPAs also have the responsibility and authority, to the
39 extent provided by this article and Article 2 (commencing with
40 Section 25531) and Sections 25404.1 and 25404.2, to implement

1 and enforce the regulations adopted to implement the requirements
2 of this article and Article 2 (commencing with Section 25531)
3 listed in paragraphs (4) and (5) of subdivision (c) of Section 25404.
4 After a CUPA has been certified by the secretary, the unified
5 program agencies shall be the only local agencies authorized to
6 enforce the requirements of this article and Article 2 (commencing
7 with Section 25531) listed in paragraphs (4) and (5) of subdivision
8 (c) of Section 25404 within the jurisdiction of the CUPA.

9 (g) “City” includes any city and county.

10 (h) “Chemical name” means the scientific designation of a
11 substance in accordance with the nomenclature system developed
12 by the International Union of Pure and Applied Chemistry or the
13 system developed by the Chemical Abstracts Service.

14 (i) “Common name” means any designation or identification,
15 such as a code name, code number, trade name, or brand name,
16 used to identify a substance by other than its chemical name.

17 (j) “Compressed gas” means a material, or mixture of materials,
18 that meets either of the following:

19 (1) The definition of compressed fluid or cryogenic fluid found
20 in the California Fire Code.

21 (2) Compressed gas that is regulated pursuant to Part 1
22 (commencing with Section 6300) of Division 5 of the Labor Code.

23 (k) “Emergency rescue personnel” means a public employee,
24 including, but not limited to, a firefighter or emergency rescue
25 personnel, as defined in Section 245.1 of the Penal Code, or
26 personnel of a local EMS agency, as designated pursuant to Section
27 1797.200, or a poison control center, as defined by Section
28 1797.97, who responds to any condition caused, in whole or in
29 part, by a hazardous material that jeopardizes, or could jeopardize,
30 public health or safety or the environment.

31 (l) “Handle” means all of the following:

32 (1) (A) To use, generate, process, produce, package, treat, store,
33 emit, discharge, or dispose of a hazardous material in any fashion.

34 (B) For purposes of subparagraph (A), “store” does not include
35 the storage of hazardous materials incidental to transportation, as
36 defined in Title 49 of the Code of Federal Regulations, with regard
37 to the inventory requirements of Section 25506.

38 (2) (A) The use or potential for use of a quantity of hazardous
39 material by the connection of a marine vessel, tank vehicle, tank
40 car, or container to a system or process for any purpose.

(B) For purposes of subparagraph (A), the use or potential use does not include the immediate transfer to or from an approved atmospheric tank or approved portable tank that is regulated as loading or unloading incidental to transportation by Title 49 of the Code of Federal Regulations.

(m) “Handler” means a business that handles a hazardous material.

(n) “Hazardous material” means a material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

(o) “Hazardous substance” means any substance or chemical product for which one of the following applies:

(1) The manufacturer or producer is required to prepare a MSDS for the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code) or pursuant to any applicable federal law or regulation.

(2) The substance is listed as a radioactive material in Appendix B of Chapter 1 (commencing with Section 10.1) of Title 10 of the Code of Federal Regulations, maintained and updated by the Nuclear Regulatory Commission.

(3) Hazardous materials or substances listed in Part 172 (commencing with Section 172.1) and Part 173 (commencing with Section 173.1) of Subchapter C of Chapter I of Subtitle B of Title 49 of the Code of Federal Regulations.

(4) The materials in the listings specified in subdivision (b) of Section 6382 of the Labor Code.

(p) “Hazardous waste” means hazardous waste, as defined by Sections 25115 and 25117 and by subdivision (g) of Section 25316.

(q) (1) “Office” means the Office of Emergency Services.

(2) Any reference to “agency” in this article means the Office of Emergency Services.

1 (r) “Release” means any spilling, leaking, pumping, pouring,
2 emitting, emptying, discharging, injecting, escaping, leaching,
3 dumping, or disposing into the environment, unless permitted or
4 authorized by a regulatory agency.

5 (s) “Secretary” means the Secretary for Environmental
6 Protection.

7 (t) “SIC Code” means the identification number assigned by
8 the Standard Industrial Classification Code to specific types of
9 businesses.

10 (u) “Statewide information management system” means the
11 statewide information management system established pursuant
12 to subdivision (e) of Section 25404 that provides for the
13 combination of state and local information management systems
14 for the purposes of managing unified program data.

15 (v) “Threatened release” means a condition creating a substantial
16 probability of harm, when the probability and potential extent of
17 harm make it reasonably necessary to take immediate action to
18 prevent, reduce, or mitigate damages to persons, property, or the
19 environment.

20 (w) “Trade secret” means trade secrets as defined in either
21 subdivision (d) of Section 6254.7 of the Government Code or
22 Section 1061 of the Evidence Code.

23 (x) “Unified program facility” means all contiguous land and
24 structures, other appurtenances, and improvements on the land
25 that are subject to the requirements of paragraphs (4) and (5) of
26 subdivision (c) of Section 25404.

27 25502. (a) This article, as it pertains to the handling of
28 hazardous material, shall be implemented by one of the following:

29 (1) If there is a CUPA, the unified program agency.

30 (2) If there is no CUPA, the agency authorized pursuant to
31 subdivision (f) of Section 25404.3.

32 (b) The agency responsible for implementing this article shall
33 ensure full access to, and the availability of, information submitted
34 under this article to emergency rescue personnel and other
35 appropriate governmental entities within its jurisdiction.

36 25503. (a) The office shall adopt, after public hearing and
37 consultation with the Office of the State Fire Marshal and other
38 appropriate public entities, regulations for minimum standards for
39 business plans and area plans. All business plans and area plans
40 shall meet the standards adopted by the office.

1 (b) The standards for business plans in the regulations adopted
2 pursuant to subdivision (a) shall do all of the following:

3 (1) Set forth minimum requirements of adequacy, and not
4 preclude the imposition of additional or more stringent
5 requirements by local government.

6 (2) Take into consideration and adjust for the size and nature
7 of the business, the proximity of the business to residential areas
8 and other populations, and the nature of the damage potential of
9 its hazardous materials in establishing standards for paragraphs
10 (3) and (4) of subdivision (a) of Section 25505.

11 (3) Take into account the existence of local area and business
12 plans that meet the requirements of this article so as to minimize
13 the duplication of local efforts, consistent with the objectives of
14 this article.

15 (4) Define what releases and threatened releases are required
16 to be reported pursuant to Section 25510. The office shall consider
17 the existing federal reporting requirements in determining a
18 definition of reporting releases pursuant to Section 25510.

19 (c) A unified program agency shall establish an area plan for
20 emergency response to a release or threatened release of a
21 hazardous material within its jurisdiction. An area plan is not a
22 statute, ordinance, or regulation for purposes of Section 669 of the
23 Evidence Code. The standards for area plans in the regulations
24 adopted pursuant to subdivision (a) shall provide for all of the
25 following:

26 (1) Procedures and protocols for emergency rescue personnel,
27 including the safety and health of those personnel.

28 (2) Preemergency planning.

29 (3) Notification and coordination of onsite activities with state,
30 local, and federal agencies, responsible parties, and special districts.

31 (4) Training of appropriate employees.

32 (5) Onsite public safety and information.

33 (6) Required supplies and equipment.

34 (7) Access to emergency response contractors and hazardous
35 waste disposal sites.

36 (8) Incident critique and followup.

37 (9) Requirements for notification to the office of reports made
38 pursuant to Section 25510.

39 (d) (1) The unified program agency shall submit to the office
40 for its review a copy of the proposed area plan within 180 days

1 after adoption of regulations by the office. The office shall notify
2 the unified program agency as to whether the area plan is adequate
3 and meets the area plan standards. The unified program agency
4 shall submit a corrected area plan within 45 days of this notice.

5 (2) The unified program agency shall certify to the office every
6 three years that it has conducted a complete review of its area plan
7 and has made any necessary revisions. If a unified program agency
8 makes a substantial change to its area plan, it shall forward the
9 changes to the office within 14 days after the changes have been
10 made.

11 (e) The inspection and enforcement program of the unified
12 program agency that is required to be implemented pursuant to
13 paragraphs (2) and (3) of subdivision (a) of Section 25404.2, shall
14 include the basic provisions of a plan to conduct onsite inspections
15 of businesses subject to this article by either the unified program
16 agency or other designated entity. These inspections shall ensure
17 compliance with this article and shall identify existing safety
18 hazards that could cause or contribute to a release and, where
19 appropriate, enforce any applicable laws and suggest preventative
20 measures designed to minimize the risk of the release of hazardous
21 material into the workplace or environment. The requirements of
22 this paragraph do not alter or affect the immunity provided to a
23 public entity pursuant to Section 818.6 of the Government Code.

24 25504. (a) The Legislature hereby finds and declares that
25 persons attempting to do business in this state are increasingly
26 experiencing excessive and duplicative regulatory requirements
27 at different levels of government.

28 (b) To streamline and ease the regulatory burdens of doing
29 business in this state, compliance with the hazardous materials
30 release response plans and inventory requirements of this article
31 shall also suffice to meet the requirements of the Hazardous
32 Materials Management Plan set forth in the California Fire Code
33 and the requirements of the Hazardous Materials Inventory
34 Statement set forth in the California Fire Code with regard to the
35 requirement for a hazardous materials management plan and
36 hazardous materials inventory statement, as set forth in Chapter
37 27 of the California Fire Code and its appendices, to the extent
38 that the information in the California Fire Code is contained in the
39 hazardous materials release response plans and inventory
40 requirements of this article.

1 (c) The unified program agency shall provide access to the
2 information collected in the statewide information management
3 system to those agencies with shared responsibilities for the
4 protection of the public health and safety and the environment.
5 For those response agencies that do not have access to electronic
6 information, the unified program agency shall forward the data
7 collected to the response agency in a mutually agreeable format,
8 within 15 days of receipt and confirmation or a mutually agreeable
9 timeframe.

10 (d) The enforcement of this article by unified program agencies
11 and the California Fire Code by those agencies required to enforce
12 the provisions of that code shall be coordinated.

13 (e) (1) Notwithstanding Section 13143.9, and the standards and
14 regulations adopted pursuant to that section, a business that files
15 the annual inventory form in compliance with this article, including
16 the addendum adopted pursuant to paragraph (4), as required by
17 the local fire chief to comply with Section 2701.5.2 of the
18 California Fire Code, as adopted by the State Fire Marshal pursuant
19 to Section 13143.9, shall be deemed to have met the requirements
20 of Section 2701.5.2 of the California Fire Code, as adopted by the
21 State Fire Marshal pursuant to Section 13143.9.

22 (2) Notwithstanding Section 13143.9, and the standards and
23 regulations adopted pursuant to that section, a business that
24 establishes and maintains a business plan for emergency response
25 to a release or a threatened release of a hazardous material in
26 accordance with Section 25505, shall be deemed to have met the
27 requirements of Section 2701.5.1 of the California Fire Code, as
28 adopted by the State Fire Marshal pursuant to Section 13143.9.

29 (3) Except for the addendum required by the local fire chief
30 pursuant to paragraph (4), the unified program agency shall be the
31 sole enforcement agency for purposes of determining compliance
32 pursuant to paragraphs (1) and (2).

33 (4) The office shall, in consultation with the unified program
34 agencies and the State Fire Marshal, adopt by regulation a single
35 comprehensive addendum to the hazardous materials reporting
36 form for businesses to submit to unified program agencies for
37 purposes of complying with subdivisions (b) and (c) of Section
38 13143.9 and subdivision (b) of Section 25506. The regulations
39 shall also specify criteria for sharing data electronically. The
40 unified program agency shall require businesses to annually use

1 that addendum when complying with subdivisions (b) and (c) of
2 Section 13143.9 and subdivision (b) of Section 25506. The
3 addendum shall be filed with the unified program agency, when
4 required by the local fire chief.

5 (f) Except as otherwise expressly provided in this section, this
6 section does not affect or otherwise limit the authority of the local
7 fire chief to enforce the California Fire Code.

8 25505. (a) A business plan shall include all of the following
9 information:

10 (1) The inventory of information required by Section 25506 and
11 whatever additional information the unified program agency finds
12 is necessary to protect the health and safety of persons, property,
13 or the environment. This information shall be subject to trade secret
14 protection specified in Section 25512.

15 (2) A site map, that includes, but is not limited to, property
16 boundaries, buildings, parking areas and internal drives, adjacent
17 streets, scale of the map, and storage locations for hazardous
18 materials.

19 (3) Emergency response plans and procedures in the event of a
20 reportable release or threatened release of a hazardous material,
21 including, but not limited to, all of the following:

22 (A) Immediate notification to the unified program agency and
23 to the appropriate local emergency rescue personnel.

24 (B) Procedures for the mitigation of a release or threatened
25 release to minimize any potential harm or damage to persons,
26 property, or the environment.

27 (C) Evacuation plans and procedures, including immediate
28 notice, for the business site.

29 (4) Training for all new employees and annual training,
30 including refresher courses, for all employees in safety procedures
31 in the event of a release or threatened release of a hazardous
32 material, including, but not limited to, familiarity with the plans
33 and procedures specified in paragraph (3). These training programs
34 may take into consideration the position of each employee. This
35 training shall be documented and shall be kept readily available
36 for a minimum of three years.

37 (b) A business required to file a pipeline operations contingency
38 plan in accordance with the California Pipeline Safety Act of 1981
39 (Chapter 5.5 (commencing with Section 51010) of Part 1 of
40 Division 1 of Title 5 of the Government Code) and the regulations

1 of the Department of Transportation, found in Part 195
2 (commencing with Section 195.1) of Subchapter D of Chapter I
3 of Subtitle B of Title 49 of the Code of Federal Regulations, may
4 file a copy of those plans with the unified program agency instead
5 of filing an emergency response plan specified in paragraph (3)
6 of subdivision (a).

7 25505.1. A business that is required to establish and implement
8 a business plan pursuant to Section 25507 and is located on leased
9 or rented real property shall notify, in writing, the owner of the
10 property that the business is subject to Section 25507 and has
11 complied with its provisions, and shall provide a copy of the
12 business plan to the owner or the owner's agent within five working
13 days after receiving a request for a copy from the owner or the
14 owner's agent.

15 25506. (a) The annual inventory submittal shall include, but
16 shall not be limited to, information on all of the following that are
17 handled in quantities equal to or greater than the quantities
18 specified in subdivision (a) of Section 25507:

19 (1) A listing of the chemical name and common names of every
20 hazardous substance or chemical product handled by the business.

21 (2) The category of waste, including the general chemical
22 composition of the waste listed by probable maximum and
23 minimum concentrations, of every hazardous waste handled by
24 the business.

25 (3) A listing of the chemical name and common names of every
26 other hazardous material or mixture containing a hazardous
27 material handled by the business that is not otherwise listed
28 pursuant to paragraph (1) or (2).

29 (4) The maximum amount of each hazardous material or mixture
30 containing a hazardous material disclosed in paragraphs (1), (2),
31 and (3) that is handled at any one time by the business over the
32 course of the year.

33 (5) The total estimated amounts of each hazardous waste handled
34 by the business throughout the course of the year.

35 (6) Sufficient information on how and where the hazardous
36 materials disclosed in paragraphs (1), (2), and (3) are handled by
37 the business to allow fire, safety, health, and other appropriate
38 personnel to prepare adequate emergency responses to potential
39 releases of the hazardous materials.

40 (7) The SIC Code number of the business, if applicable.

1 (8) The name and telephone number of the person representing
2 the business and able to assist emergency personnel in the event
3 of an emergency involving the business during nonbusiness hours.

4 (b) If the local fire chief requires the business to comply with
5 the requirements of subdivision (c) of Section 2701.5.2 of the
6 California Fire Code, as adopted by the State Fire Marshal pursuant
7 to Section 13143.9, the business shall also file the addendum
8 required by paragraph (4) of subdivision (e) of Section 25504 with
9 the unified program agency.

10 (c) (1) Except as provided in subdivision (d), the annual
11 inventory information required by this section shall also include
12 all inventory information required by Section 11022 of Title 42
13 of the United States Code.

14 (2) The office may adopt or amend existing regulations
15 specifying the inventory information required by this subdivision.

16 (d) If, pursuant to federal law or regulation, as it currently exists
17 or as it may be amended, the office determinates that the inventory
18 information required by subdivisions (a) and (c) is substantially
19 equivalent to the inventory information required under the
20 Emergency Planning and Community Right-to-Know Act of 1986
21 (42 U.S.C. Sec. 11001 et seq.), the requirements of subdivisions
22 (a) and (c) shall not apply.

23 25507. (a) Except as provided in this article, a business shall
24 establish and implement a business plan for emergency response
25 to a release or threatened release of a hazardous material in
26 accordance with the standards prescribed in the regulations adopted
27 pursuant to Section 25503 if the business meets any of the
28 following conditions:

29 (1) The business handles a hazardous material or a mixture
30 containing a hazardous material that has a quantity at any one time
31 during the reporting year that is equal to, or greater than, 55 gallons
32 for materials that are liquids, 500 pounds for solids, and 200 cubic
33 feet for compressed gas. The physical state and quantity present
34 of mixtures shall be determined by the physical state of the mixture
35 as whole, not individual components, at standard temperature and
36 pressure.

37 (2) The business is required to submit chemical inventory
38 information pursuant to Section 11022 of Title 42 of the United
39 States Code.

1 (3) The business handles at any one time during the reporting
2 year an amount of a hazardous material that is equal to, or greater
3 than the threshold planning quantity, under both of the following
4 conditions:

5 (A) The hazardous material is an extremely hazardous substance,
6 as defined in Section 355.61 of Title 40 of the Code of Federal
7 Regulations.

8 (B) The threshold planning quantity for that extremely hazardous
9 substance listed in Appendices A and B of Part 355 (commencing
10 with Section 355.1) of Subchapter J of Chapter I of Title 40 of the
11 Code of Federal Regulations is less than 500 pounds.

12 (4) (A) The business handles at any one time during the
13 reporting year a total weight of 5,000 pounds for solids and a total
14 volume of 550 gallons for liquids, if the hazardous material is a
15 solid or liquid substance that is classified as a hazard for purposes
16 of Section 5194 of Title 8 of the California Code of Regulations
17 solely as an irritant or sensitizer, unless the unified program agency
18 finds, and provides notice to the business handling the product,
19 that the handling of lesser quantities of that hazardous material
20 requires the submission of a business plan, or any portion of a
21 business plan, in response to public health, safety, or environmental
22 concerns.

23 (B) The unified program agency shall make the findings required
24 by subparagraph (A) in consultation with the local fire chief.

25 (5) (A) The business handles at any one time during the
26 reporting year a total of 1,000 cubic feet, if the hazardous material
27 is a compressed gas and is classified as a hazard for the purposes
28 of Section 5194 of Title 8 of the California Code of Regulations
29 solely as a compressed gas, unless the unified program agency
30 finds, and provides notice to the business handling the product,
31 that the handling of lesser quantities of that hazardous material
32 requires the submission of a business plan, or any portion thereof,
33 in response to public health, safety, or environmental concerns.

34 (B) The unified program agency shall make the findings required
35 by subparagraph (A) in consultation with the local fire chief.

36 (C) The hazardous materials subject to subparagraph (A) include
37 a gas for which the only health and physical hazards are simple
38 asphyxiation and the release of pressure.

39 (D) The hazardous materials subject to subparagraph (A) do
40 not include gases in a cryogenic state.

(6) The business handles a radioactive material at any one time during the reporting year that is handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 1 of Title 10 of the Code of Federal Regulations, or pursuant to any regulations adopted by the state in accordance with those regulations.

(7) The business handles perchlorate material, as defined in subdivision (c) of Section 25210.5, in excess of a threshold specified in paragraph (1), (3), or (4).

(b) Oxygen, nitrogen, and nitrous oxide, ordinarily maintained by a physician, dentist, podiatrist, veterinarian, or pharmacist, at his or her office or place of business, stored at each office or place of business in quantities of not more than 1,000 cubic feet of each material at any one time, are exempt from this section and from Section 25506. The unified program agency may require a one-time inventory of these materials for a fee not to exceed fifty dollars (\$50) to pay for the costs incurred by the agency in processing the inventory forms.

(c) (1) Lubricating oil is exempt from this section and Sections 25506 and 25508, for a single business facility, if the total volume of each type of lubricating oil handled at that facility does not exceed 55 gallons and the total volume of all types of lubricating oil handled at that facility does not exceed 275 gallons, at any one time.

(2) For purposes of this paragraph, “lubricating oil” means oil intended for use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, airplane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. “Lubricating oil” does not include used oil, as defined in subdivision (a) of Section 25250.1.

(d) Oil-filled electrical equipment that is not contiguous to an electric facility is exempt from this section and Sections 25506 and 25508 if the aggregate capacity is less than 1,320 gallons.

(e) Hazardous material contained solely in a consumer product for direct distribution to, and use by, the general public is exempt from the business plan requirements of this article unless the unified program agency has found, and has provided notice to the

1 business handling the product, that the handling of certain
2 quantities of the product requires the submission of a business
3 plan, or any portion thereof, in response to public health, safety,
4 or environmental concerns.

5 (f) In addition to the authority specified in subdivision (h), the
6 unified program agency may, in exceptional circumstances,
7 following notice and public hearing, exempt a hazardous substance
8 specified in subdivision (o) of Section 25501 from Section 25506,
9 if the unified program agency finds that the hazardous substance
10 would not pose a present or potential danger to the environment
11 or to human health and safety if the hazardous substance was
12 released into the environment. The unified program agency shall
13 specify in writing the basis for granting an exemption under this
14 subdivision. The unified program agency shall send a notice to the
15 office within five days from the effective date of any exemption
16 granted pursuant to this subdivision.

17 (g) The unified program agency, upon application by a handler,
18 may exempt the handler, under conditions that the unified program
19 agency determines to be proper, from any portion of the business
20 plan, upon a written finding that the exemption would not pose a
21 significant present or potential hazard to human health or safety
22 or to the environment, or affect the ability of the unified program
23 agency and emergency rescue personnel to effectively respond to
24 the release of a hazardous material, and that there are unusual
25 circumstances justifying the exemption. The unified program
26 agency shall specify in writing the basis for any exemption under
27 this subdivision.

28 (h) The unified program agency, upon application by a handler,
29 may exempt a hazardous material from the inventory provisions
30 of this article upon proof that the material does not pose a
31 significant present or potential hazard to human health and safety
32 or to the environment if released into the workplace or
33 environment. The unified program agency shall specify in writing
34 the basis for any exemption under this subdivision.

35 (i) The unified program agency shall adopt procedures to provide
36 for public input when approving applications submitted pursuant
37 to subdivisions (g) and (h).

38 25507.1. (a) A unified program agency shall exempt a business
39 operating a farm for purposes of cultivating the soil or raising or
40 harvesting any agricultural or horticultural commodity from filing

1 the information in the business plan required by paragraphs (3)
2 and (4) of subdivision (a) of Section 25505 if all of the following
3 requirements are met:

4 (1) The agricultural handler annually submits the inventory of
5 information required by Section 25505 to the statewide
6 environmental reporting system

7 (2) Each building in which hazardous materials subject to this
8 article are stored is posted with signs, in accordance with
9 regulations that the agency shall adopt, that provide notice of the
10 storage of any of the following:

11 (A) Pesticides.

12 (B) Petroleum fuels and oil.

13 (C) Types of fertilizers.

14 (3) The agricultural handler provides the training programs
15 specified in paragraph (4) of subdivision (a) of Section 25505.

16 (b) The unified program agency may designate the county
17 agricultural commissioner to conduct the inspections of agricultural
18 handlers. The agricultural commissioner shall schedule and conduct
19 inspections in accordance with Section 25511.

20 25507.2. (a) The unified program agency shall exempt a
21 business operating an unstaffed remote facility located in an
22 isolated sparsely populated area from the Sections 25506 and 25507
23 if the facility is not otherwise subject to the requirements of
24 applicable federal law, and all of the following requirements are
25 met:

26 (1) The types and quantities of materials onsite are limited to
27 one or more of the following:

28 (A) One thousand standard cubic feet of compressed inert gases
29 (asphyxiation and pressure hazards only).

30 (B) Five hundred gallons of combustible liquid used as a fuel
31 source.

32 (C) Two hundred gallons of corrosive liquids used as electrolytes
33 in closed containers.

34 (D) Five hundred gallons of lubricating and hydraulic fluids.

35 (E) One thousand two hundred gallons of flammable gas used
36 as a fuel source.

37 (F) Any quantity of mineral oil contained within electrical
38 equipment, such as transformers, bushings, electrical switches,
39 and voltage regulators, if the spill prevention control and

1 countermeasure plan has been prepared for quantities in excess of
2 1,320 gallons.

3 (2) The facility is secured and not accessible to the public.

4 (3) Warning signs are posted and maintained for hazardous
5 materials pursuant to the California Fire Code.

6 (4) A one-time notification and inventory are provided to the
7 unified program agency along with a processing fee in lieu of the
8 existing fee. The fee shall not exceed the actual cost of processing
9 the notification and inventory, including a verification inspection,
10 if necessary.

11 (5) If the information contained in the initial notification or
12 inventory changes and the time period of the change is longer than
13 30 days, the notification or inventory shall be resubmitted within
14 30 days to the unified program agency to reflect the change, along
15 with a processing fee, in lieu of the existing fee, that does not
16 exceed the actual cost of processing the amended notification or
17 inventory, including a verification inspection, if necessary.

18 (6) The unified program agency shall forward a copy of the
19 notification and inventory to those agencies that share responsibility
20 for emergency response.

21 (7) The unified program agency may require an unstaffed remote
22 facility to submit a hazardous materials business plan and inventory
23 in accordance with this article if the agency finds that special
24 circumstances exist so that development and maintenance of the
25 business plan and inventory are necessary to protect the public
26 health and safety and the environment.

27 (b) On-premises use, storage, or both, of propane in an amount
28 not to exceed 500 gallons that is for the sole purpose of cooking,
29 heating the employee work areas, and heating water, within that
30 business, is exempt from Section 25507, unless the uniform
31 program agency finds, and provides notice to the business handling
32 the propane, that the handling of the on-premise propane requires
33 the submission of a business plan, or any portion of a business
34 plan, in response to public health, safety, or environmental
35 concerns.

36 (c) The unified program agency shall provide all information
37 obtained from completed inventory forms, upon request, to
38 emergency rescue personnel on a 24-hour basis.

39 25508. (a) (1) A handler shall submit its business plan to the
40 statewide information management system in accordance with the

1 requirements of this article and certify that the business plan meets
2 the requirements of this article.

3 (2) If, after review, the unified program agency determines that
4 the handler's business plan is deficient in any way, the unified
5 program agency shall notify the handler of those deficiencies. The
6 handler shall submit a corrected business plan within 30 days from
7 the date of the notice.

8 (3) If a handler fails, after reasonable notice, to submit a business
9 plan in compliance with this article, the unified program agency
10 shall take appropriate action to enforce this article, including the
11 imposition of civil and criminal penalties as specified in this article.

12 (4) For data that has not been defined by data elements or data
13 field, and that is reported using a document format, the use of a
14 reporting method accepted by the statewide information
15 management system shall be considered compliance with the
16 requirement to submit a business plan. If the reporting option used
17 does not support public records requests from the public, the
18 handler shall provide requested documents to the unified program
19 agency within 10 business days of a request from the unified
20 program agency.

21 (b) A handler shall review the business plan submitted pursuant
22 to subdivision (a) at least once every three years to determine if a
23 revision is needed and shall certify to the unified program agency
24 that the review was made and that any necessary changes were
25 made to the plan.

26 (c) Unless exempted from the business plan requirements under
27 this article, a handler shall annually review the inventory statement
28 and resubmit or certify as correct the inventory information in the
29 statewide environmental reporting system.

30 (d) A business required to establish and implement a business
31 plan pursuant to subdivision (a) shall not be deemed to be in
32 violation of this article until 30 days after the business becomes
33 subject to subdivision (a), unless the unified program agency
34 requests the business to establish and implement the business plan
35 at an earlier date.

36 25508.1. Within 30 days of any one of the following events,
37 a business subject to Section 25508 shall update the information
38 submitted to the statewide environmental reporting system:

39 (a) A 100 percent or more increase in the quantity of a
40 previously disclosed material.

1 (b) Any handling of a previously undisclosed hazardous material
2 subject to the inventory requirements of this article.

3 (c) Change of business address.

4 (d) Change of business ownership.

5 (e) Change of business name.

6 (f) A substantial change in the handler's operations occurs that
7 requires modification to any portion of the business plan.

8 25509. (a) The unified program agency shall maintain records
9 of all business plans received and shall index the plans by street
10 address and company name. The business plan and revisions shall
11 be available for public inspection during the regular working hours
12 of the unified program agency, except that those portions of the
13 business plan specifying the precise location where hazardous
14 materials are stored and handled onsite, including any maps of the
15 site, as required by paragraph (2) of subdivision (a) of Section
16 25505, shall not be available for inspection. The unified program
17 agency shall transmit copies of the entire business plan or any
18 information contained in the business plan to any requesting state
19 or local agency.

20 (b) A person who submits inventory information required under
21 Section 25506 with the unified program agency shall be deemed
22 to have filed the inventory form required by Section 11022(a) of
23 Title 42 of the United States Code with the state emergency
24 response commission and emergency planning committee
25 established pursuant to Section 11001 of Title 42 of the United
26 States Code.

27 (c) The unified program agency shall, upon request, transmit
28 the information collected pursuant to this chapter to the Chemical
29 Emergency Planning and Response Commission, established by
30 the Governor as the state emergency response commission pursuant
31 to Section 11001(a) of Title 42 of the United States Code, and to
32 the local emergency planning committee established pursuant to
33 Section 11001(c) of Title 42 of the United States Code.

34 25510. (a) Except as provided in subdivision (b), the handler
35 or an employee, authorized representative, agent, or designee of
36 a handler, shall, upon discovery, immediately report any release
37 or threatened release of a hazardous material to the unified program
38 agency, and to the office, in accordance with the regulations
39 adopted pursuant to Section 25503. The handler or an employee,
40 authorized representative, agent, or designee of the handler shall

1 provide all state, city, or county fire or public health or safety
2 personnel and emergency rescue personnel with access to the
3 handler's facilities.

4 (b) Subdivision (a) does not apply to a person engaged in the
5 transportation of a hazardous material on a highway that is subject
6 to, and in compliance with, the requirements of Sections 2453 and
7 23112.5 of the Vehicle Code.

8 25510.1. (a) A business required to submit a followup
9 emergency notice pursuant to of Section 11004(c) of Title 42 of
10 the United States Code shall submit the notice on a form approved
11 by the office.

12 (b) The office may adopt guidelines for the use of the forms
13 required by subdivision (a).

14 25510.2. In order to carry out the purposes of this chapter, a
15 unified program agency may train for, and respond to, the release,
16 or threatened release, of a hazardous material.

17 25510.3. The emergency rescue personnel, responding to the
18 reported release or threatened release of a hazardous material, or
19 of a regulated substance, as defined in Section 25532, or to any
20 fire or explosion involving a material or substance that involves a
21 release that would be required to be reported pursuant to Section
22 25510, shall immediately advise the superintendent of the school
23 district having jurisdiction, where the location of the release or
24 threatened release is within one-half mile of a school.

25 25511. (a) In order to carry out the purposes of this article and
26 Article 2 (commencing with Section 25531), an employee or
27 authorized representative of a unified program agency has the
28 authority specified in Section 25185, with respect to the premises
29 of a handler, and in Section 25185.5, with respect to real property
30 that is within 2,000 feet of the premises of a handler, except that
31 this authority shall include conducting inspections concerning
32 hazardous material, in addition to hazardous waste.

33 (b) In addition to the requirements of Section 25537, the unified
34 program agency shall conduct inspections of every business subject
35 to this article at least once every three years to determine if the
36 business is in compliance with this article. The unified program
37 agency shall give priority, when conducting these inspections, to
38 inspecting facilities that are required to prepare a risk management
39 plan pursuant to Article 2 (commencing with Section 25531). In
40 establishing a schedule for conducting inspections pursuant to this

1 section, the unified program agency may adopt and use an index
2 of the volatility, toxicity, and quantity of regulated substances and
3 hazardous materials. A unified program agency shall attempt to
4 schedule the inspections conducted pursuant to this section and
5 Section 25537, when applicable, during the same time period.

6 (c) The unified program agency may designate the county
7 agricultural commissioner to conduct the inspection of agricultural
8 handlers for purposes of Section 25507.1.

9 25512. (a) As used in this section “trade secret” means a trade
10 secret as defined in either subdivision (d) of Section 6254.7 of the
11 Government Code or Section 1061 of the Evidence Code.

12 (b) (1) If a business believes that the inventory required by this
13 article involves the release of a trade secret, the business shall
14 nevertheless provide this information to the unified program
15 agency, and shall notify the unified program agency in writing of
16 that belief on the inventory form.

17 (2) Subject to subdivisions (d) and (e), the unified program
18 agency shall protect from disclosure any information designated
19 as a trade secret by the business pursuant to paragraph (1).

20 (c) (1) Upon the receipt of a request for the release of
21 information to the public that includes information that the business
22 has notified the unified program agency is a trade secret pursuant
23 to paragraph (1) of subdivision (b), the unified program agency
24 shall notify the business in writing of the request by certified mail,
25 return receipt requested.

26 (2) The unified program agency shall release the requested
27 information to the public 30 days or more after the date of mailing
28 to the business the notice of the request for information, unless,
29 prior to the expiration of the 30-day period, the business files an
30 action in an appropriate court for a declaratory judgment that the
31 information is subject to protection under subdivision (b) or for
32 an injunction prohibiting disclosure of the information to the public,
33 and promptly notifies the unified program agency of that action.

34 (3) This subdivision does not permit a business to refuse to
35 disclose the information required pursuant to this section to the
36 unified program agency.

37 (d) Except as provided in subdivision (c), any information that
38 has been designated as a trade secret by a business is confidential
39 information for purposes of this section and shall not be disclosed
40 to anyone except the following:

(1) An officer or employee of the county, city, state, or the United States, in connection with the official duties of that officer or employee under any law for the protection of health, or contractors with the county, city, state and their employees if, in the opinion of the unified program agency, disclosure is necessary and required for the satisfactory performance of a contract, for performance of work, or to protect the health and safety of the employees of the contractor.

(2) A physician if the physician certifies in writing to the unified program agency that the information is necessary to the medical treatment of the physician's patient.

(e) A physician who, by virtue of having obtained possession of, or access to, confidential information, and who, knowing that disclosure of the information to the general public is prohibited by this section, knowingly and willfully discloses the information in any manner to a person not entitled to receive it, is guilty of a misdemeanor.

(f) An officer or employee of the county or city, or former officer or employee who, by virtue of that employment or official position, has possession of, or has access to, confidential information, and who, knowing that disclosure of the information to the general public is prohibited by this section, knowingly and willfully discloses the information in any manner to a person not entitled to receive it, is guilty of a misdemeanor. A contractor with the county or city and an employee of the contractor, who has been furnished information as authorized by this section, shall be considered an employee of the county or city for purposes of this section.

(g) Information certified by appropriate officials of the United States as necessary to be kept secret for national defense purposes shall be accorded the full protections against disclosure as specified by those officials or in accordance with the laws of the United States.

25513.1. Notwithstanding any other law, a public entity shall not be held liable for any injury or damages resulting from an inadequate or negligent review of a business plan conducted pursuant to Section 25508.

25513.2. (a) The submission of any information required under this article does not affect any other liability or responsibility of

1 a business with regard to safeguarding the health and safety of an
2 employee or any other person.

3 (b) Compliance with this article shall not be deemed to be
4 compliance with the duty of care required of any business for
5 purposes of any judicial or administrative proceeding conducted
6 pursuant to any other provision of law.

7 25514. Each administering county or city may, upon a majority
8 vote of the governing body, adopt a schedule of fees to be collected
9 from each business required to submit a business plan pursuant to
10 this article that is within its jurisdiction. The governing body may
11 provide for the waiver of fees when a business, as defined in
12 paragraph (3), (4), or (5) of subdivision (c) of Section 25501,
13 submits a business plan. The fee shall be set in an amount sufficient
14 to pay only those costs incurred by the unified program agency in
15 carrying out this article. In determining the fee schedule, the unified
16 program agency shall consider the volume and degree of hazard
17 potential of the hazardous materials handled by the businesses
18 subject to this article.

19 25515. (a) A business that violates Sections 25504 to 25508.1,
20 inclusive, or Section 25510, shall be civilly liable to the unified
21 program agency in an amount of not more than two thousand
22 dollars (\$2,000) for each day in which the violation occurs. If the
23 violation results in, or significantly contributes to, an emergency,
24 including a fire, the business shall also be assessed the full cost of
25 the county or city emergency response, as well as the cost of
26 cleaning up and disposing of the hazardous materials.

27 (b) A business that knowingly violates Sections 25504 to
28 25508.1, inclusive, or Section 25510, after reasonable notice of
29 the violation shall be civilly liable to the unified program agency
30 in an amount not to exceed five thousand dollars (\$5,000) for each
31 day in which the violation occurs.

32 25515.1. A person that knowingly violates Sections 25504 to
33 25508.1, inclusive, after reasonable notice of the violation, is, upon
34 conviction, guilty of a misdemeanor. This section does not preempt
35 any other applicable criminal or civil penalties.

36 25515.2. (a) Notwithstanding Section 25515, a business that
37 violates this article is liable to a unified program agency for an
38 administrative penalty not greater than two thousand dollars
39 (\$2,000) for each day in which the violation occurs. If the violation
40 results in, or significantly contributes to, an emergency, including

1 a fire or health or medical problem requiring toxicological, health,
2 or medical consultation, the business shall also be assessed the full
3 cost of the county, city, fire district, local EMS agency designated
4 pursuant to Section 1797.200, or poison control center as defined
5 by Section 1797.97, emergency response, as well as the cost of
6 cleaning up and disposing of the hazardous materials.

7 (b) Notwithstanding Section 25515, a business that knowingly
8 violates this article after reasonable notice of the violation is liable
9 for an administrative penalty, not greater than five thousand dollars
10 (\$5,000) for each day in which the violation occurs.

11 (c) When a unified program agency issues an enforcement order
12 or assesses an administrative penalty, or both, for a violation of
13 this article, the unified program agency shall utilize the
14 administrative enforcement procedures, including the hearing
15 procedures, specified in Sections 25404.1.1 and 25404.1.2.

16 25515.3. (a) A person or business who violates Section 25510
17 shall, upon conviction, be punished by a fine of not more than
18 twenty-five thousand dollars (\$25,000) for each day of violation,
19 by imprisonment in a county jail for not more than one year, or by
20 both the fine and imprisonment. If the conviction is for a violation
21 committed after a first conviction under this section, the person
22 shall be punished by a fine of not less than two thousand dollars
23 (\$2,000) or more than fifty thousand dollars (\$50,000) per day of
24 violation, by imprisonment pursuant to subdivision (h) of Section
25 1170 of the Penal Code for 16, 20, or 24 months or in a county jail
26 for not more than one year, or by both the fine and imprisonment.
27 Furthermore, if the violation results in, or significantly contributes
28 to, an emergency, including a fire, to which the county or city is
29 required to respond, the person shall also be assessed the full cost
30 of the county or city emergency response, as well as the cost of
31 cleaning up and disposing of the hazardous materials.

32 (b) Notwithstanding subdivision (a), a person who knowingly
33 fails to report, pursuant to Section 25510, an oil spill occurring in
34 waters of the state, other than marine waters, shall, upon conviction,
35 be punished by a fine of not more than fifty thousand dollars
36 (\$50,000), by imprisonment in the county jail for not more than
37 one year, or by both that fine and imprisonment.

38 (c) Notwithstanding subdivision (a), a person who knowingly
39 makes a false or misleading report on an oil spill occurring in
40 waters of the state, other than marine waters, shall, upon conviction,

1 be punished by a fine of not more than fifty thousand dollars
2 (\$50,000), by imprisonment in the county jail for not more than
3 one year, or by both that fine and imprisonment.

4 (d) This section does not preclude prosecution or sentencing
5 under other provisions of law.

6 25515.4. A person who willfully prevents, interferes with, or
7 attempts to impede the enforcement of this article by any authorized
8 representative of a unified program agency is, upon conviction,
9 guilty of a misdemeanor.

10 25515.5. (a) All criminal penalties collected pursuant to this
11 article shall be apportioned in the following manner:

12 (1) Fifty percent shall be paid to the office of the city attorney,
13 district attorney, or Attorney General, whichever office brought
14 the action.

15 (2) Fifty percent shall be paid to the agency which is responsible
16 for the investigation of the action.

17 (b) All civil penalties collected pursuant to this chapter shall be
18 apportioned in the following manner:

19 (1) Fifty percent shall be paid to the office of the city attorney,
20 district attorney, or Attorney General, whichever office brought
21 the action.

22 (2) Fifty percent shall be paid to the agency responsible for the
23 investigation of the action.

24 (c) If a reward is paid to a person pursuant to Section 25517,
25 the amount of the reward shall be deducted from the amount of
26 the criminal or civil penalty before the amount is apportioned
27 pursuant to subdivisions (a) and (b).

28 25515.6. (a) If the unified program agency determines that a
29 business has engaged in, is engaged in, or is about to engage in
30 acts or practices that constitute or will constitute a violation of this
31 article or a regulation or order adopted or issued pursuant to this
32 article, and when requested by the unified program agency, the
33 city attorney of the city or the district attorney of the county in
34 which those acts or practices have occurred, are occurring, or will
35 occur shall apply to the superior court for an order enjoining the
36 acts or practices for an order directing compliance, and, upon a
37 showing that the person or business has engaged in, is engaged in,
38 or is about to engage in the acts or practices, a permanent or
39 temporary injunction, restraining order, or other appropriate order
40 may be granted.

1 (b) This section does not prohibit a city attorney or district
2 attorney from seeking the same relief upon the city attorney's or
3 district attorney's own motion.

4 25515.7. Every civil action brought under this article or Article
5 2 (commencing with Section 25531) shall be brought by the city
6 attorney, district attorney, or Attorney General in the name of the
7 people of the State of California, and any actions relating to the
8 same violation may be joined or consolidated.

9 25515.8. (a) In a civil action brought pursuant to this article
10 or Article 2 (commencing with Section 25531) in which a
11 temporary restraining order, preliminary injunction, or permanent
12 injunction is sought, it is not necessary to allege or prove at any
13 stage of the proceeding any of the following:

14 (1) Irreparable damage will occur should the temporary
15 restraining order, preliminary injunction, or permanent injunction
16 not be issued.

17 (2) The remedy at law is inadequate.

18 (b) The court shall issue a temporary restraining order,
19 preliminary injunction, or permanent injunction in a civil action
20 brought pursuant to this article or Article 2 (commencing with
21 Section 25531) without the allegations and without the proof
22 specified in subdivision (a).

23 25517. (a) A person who provides information that materially
24 contributes to the imposition of a civil penalty, whether by
25 settlement or court order, under Section 25515 or 25515.2, as
26 determined by the city attorney, district attorney, or the Attorney
27 General filing the action, shall be paid a reward by the unified
28 program agency or the state equal to 10 percent of the amount of
29 the civil penalty collected. The reward shall be paid from the
30 amount of the civil penalty collected. No reward paid pursuant to
31 this subdivision shall exceed five thousand dollars (\$5,000).

32 (b) A person who provides information that materially
33 contributes to the conviction of a person or business under Section
34 25515.1 or 25515.3, as determined by the city attorney, district
35 attorney, or the Attorney General filing the action, shall be paid a
36 reward by the unified program agency or the state equal to 10
37 percent of the amount of the fine collected. The reward shall be
38 paid from the amount of the fine collected. No reward paid pursuant
39 to this subdivision shall exceed five thousand dollars (\$5,000).

1 (c) An informant shall not be eligible for a reward for a violation
2 known to the unified program agency, unless the information
3 materially contributes to the imposition of criminal or civil
4 penalties for a violation specified in this section.

5 (d) If there is more than one informant for a single violation,
6 the person making the first notification received by the office which
7 brought the action shall be eligible for the reward, except that, if
8 the notifications are postmarked on the same day or telephoned
9 notifications are received on the same day, the reward shall be
10 divided equally among those informants.

11 (e) Public officers and employees of the United States, the State
12 of California, or counties and cities in this state are not eligible for
13 the reward pursuant to subdivision (a) or (b), unless the providing
14 of the information does not relate in any manner to their
15 responsibilities as public officers or employees.

16 (f) An informant who is an employee of a business and who
17 provides information that the business has violated this chapter is
18 not eligible for a reward if the employee intentionally or negligently
19 caused the violation or if the employee's primary and regular
20 responsibilities included investigating the violation, unless the
21 business knowingly caused the violation.

22 (g) The unified program agency or the state shall pay rewards
23 under this section pursuant to the following procedures:

24 (1) An application shall be signed by the informant and
25 presented to the unified program agency or the state within 60 days
26 after a final judgment has been entered or the period for an appeal
27 of a judgment has expired.

28 (2) The determination by the district attorney, city attorney, or
29 Attorney General as to whether the information provided by the
30 applicant materially contributed to the imposition of a judgment
31 under Section 25515.1 or 25515.3 shall be final.

32 (3) The unified program agency or the state shall notify the
33 applicant in writing of its decision to grant or deny a reward within
34 a reasonable time period following the filing of an application.

35 (4) Approved reward claims shall be paid by the unified program
36 agency or the state within 30 days of the collection and deposit of
37 the penalties specified in subdivisions (a) and (b).

38 (h) The names of reward applicants or informants shall not be
39 disclosed by the unified program agency or the state unless the

1 names are otherwise publicly disclosed as part of a judicial
2 proceeding.

3 (i) Notwithstanding any other provision of this section, rewards
4 paid by the state shall only be paid after appropriation by the
5 Legislature.

6 25518. The office may develop materials, including guidelines
7 and informational pamphlets, to assist businesses to fulfill their
8 obligations under this article.

9 25519. This article shall be construed liberally so as to
10 accomplish the intent of the Legislature in protecting the public
11 health, safety, and the environment.

12 25520. If any provision of this article or the application thereof
13 to any person or circumstances is held invalid, that invalidity shall
14 not affect other provisions or applications of this article that can
15 be given effect without the invalid provision or application, and
16 to that end the provisions of this article are severable.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act or because costs that may be
22 incurred by a local agency or school district will be incurred
23 because this act creates a new crime or infraction, eliminates a
24 crime or infraction, or changes the penalty for a crime or infraction,
25 within the meaning of Section 17556 of the Government Code, or
26 changes the definition of a crime within the meaning of Section 6
27 of Article XIII B of the California Constitution.